

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL PAYAN,

Plaintiff,

No. CIV S-03-2556 GEB JFM P

vs.

THERESA SCHWARTZ, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 4, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

1 The court has reviewed the file and finds the findings
2 and recommendations to be supported by the record and by the
3 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED
4 that:

5 1. The findings and recommendations filed April 4,
6 2005 are adopted in full;

7 2. Defendants' August 31, 2004 motion to dismiss is
8 denied; and

9 3. Within twenty days from the date of this order
10 defendants shall file and serve an answer to the amended
11 complaint.

12 Dated: May 6, 2005

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14 /s/ Garland E. Burrell, Jr.
15 GARLAND E. BURRELL, JR.
16 United States District Judge
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